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February 22, 2006

**VIA CMF AND HAND DELIVERY**

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
for the District of Delaware  
844 King Street  
Wilmington, DE 19801

Re: • *Magten Asset Management Corp. and Law Debenture Trust Co. v. Northwestern Corp.; C.A. No. 04-1494-JJF*  
• *Magten Asset Management Corp. v. Paul Hastings Janofsky & Walker, LLP; C.A. No. 04-1256-JJF*  
• *Magten Asset Management Corp. v. Mike J. Hanson and Ernie J. Kindt; C.A. No. 05-0499-JJF*

Your Honor:

Pursuant to Local Rule 7.1.4, Magten Asset Management Corp. ("Magten") writes to also request oral argument on Northwestern's motion for protective order [D.I. 55 in 04-1494]. Magten believes that argument may provide assistance to whomever will decide the motion. Magten reads the Court's Order Appointing a Special Master (D.I. 63) to mean that the motion will be decided by the Special Master, unless of course the Court prefers to personally consider the motion.

At the time set for argument, Magten would also like to obtain the Court's (or Special Master's) guidance with respect to the following issues that are impacting discovery in the above cases:

1. The defendants in 05-0499 have taken the position that the discovery stay entered in the District of Montana pending transfer of the action to the District of Delaware remains in effect and that they are not obligated to provide any discovery whatsoever, including as non-party witnesses with respect to the other actions. As outlined in Magten's letter dated February 6, 2006 (D.I. 58), Magten requests that the Court expressly vacate the stay entered in connection with the transfer or refer the issue to the Special Master for determination.

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2. The parties have conferred pursuant to Fed. R. Civ. P. 26(f), but could not reach an agreement on an appropriate discovery schedule. Competing versions of the Scheduling Orders proposed by the parties have been submitted to the Court (D.I. 37, 38) and are awaiting the Court's decision.

Counsel is available by telephone, should Your Honor has any questions.

Respectfully submitted,  
A handwritten signature in black ink that reads "Dale Dubé".

Dale R. Dubé

DRD/pb

Enclosures

cc: Clerk of Court (via hand delivery)  
John E. James, Esquire (via hand delivery)  
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